

**MINUTES
COLUMBUS BOARD OF ZONING APPEALS
SEPTEMBER 23, 2008
COUNCIL CHAMBERS, 2nd FLOOR, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: Mary Ferdon, Chairperson; Dave Bonnell, Secretary;
Lou Marr, and Tom Wetherald

Staff Present: Laura Thayer, Assistant Planning Director; Alan Whitted
Deputy City Attorney; Heather Pope, Senior Planner;
Emilie Pannell, Associate Planner; Rae-Leigh Stark,
Associate Planner; Stephanie Carr and Bill Klakamp

PUBLIC MEETING

Mary Ferdon, Chairperson, opened the meeting with a brief explanation about the Board and its responsibilities.

Proof of advertising for all cases was confirmed. The petitions and staff comments are a permanent record at the Planning Department.

Alan Whitted, Deputy City Attorney, administered the oath to all in attendance that would be speaking.

NEW BUSINESS REQUIRING BOARD ACTION

DOCKET C/CU-08-04: Faith, Hope and Love Church

Faith, Hope and Love Church is a request for a conditional use approval for a worship facility in the RS-2 (Single Family Residential) zoning district. The property is located at 1395 West County Road 200 South in Columbus Township.

There was a letter submitted by Pastor Mike Harris requesting that the meeting be changed to the October 28th meeting.

Lou Marr made a motion to continue **C/CU-08-04** seconded by Tom Wetherald.

The motion carried 4-0 and the petition was continued until the October 28th meeting.

C/DS-08-11: Cummins Engine Company

Cummins Engine Company is a request for a development standards variance from Zoning Ordinance Section 8.1 (D) (3) (a) to reduce the required landscape buffer from 15

feet to 5 feet. The property is located at 602, 630, and 634 Union Street in the City of Columbus.

Ms. Marr asked to be excused from the case.

Ms. Ferdon read a letter requesting that the case be continued until the next meeting.

Dave Bonnell made a motion to continue **C/DS-08-11** seconded by Tom Wetherald. The motion carried 3-0 and the petition was continued until the next meeting.

C/DS-08-12: First Financial Bank

First Financial Bank is a request for a development standards variance from the Zoning Ordinance Section 7.2(Part4) (B) (3) (c) to allow parking in a front yard in the CD (Downtown Commercial) zoning district. The property is located on the southwest corner of Third and Brown Streets in the City of Columbus.

Lou Marr asked to be excused from the case.

Jeff Hartley, architect for First Financial Bank stated his name and address into the record.

Emile Pannell began the meeting by reading the background and a visual presentation.

Mr. Hartley presented his case and submitted a landscape and architecture plan.

There were some questions regarding the parking spaces.

The meeting was open to the public. There was no one to speak, the meeting was closed.

Tom Wetherald made a motion to approve **C/DS-08-12** based on the findings of fact as presented by staff, Dave Bonnell seconded the motion it carried by a vote of 3-0.

C/DS-08-18: Brent Rea

Brent Rea is a request for a development standards variance from Zoning Ordinance Section 6.1 (E) (3) to allow an accessory building in a front yard; and a development standards variance from Zoning Ordinance Section 6.1(F) (2) to allow the total lot coverage of accessory structures to exceed, by 73 square feet, 65% of the ground floor area of the primary structure on the property. The property is located adjacent to the rear side of 5303 South Vine Street, fronting Pine Street in Wayne Township.

Rae-Leigh Stark began by reading the background along with a power point presentation.

Petitioner Brent Rea stated his name and address for the record.

**Columbus Board of Zoning Appeals
Minutes of September 23, 2008**

Mr. Rea said that he had 4 cars and he does not have a garage. He said that 2 of the vehicles are seldom driven and they need to be inside.

The meeting was opened to the public.

There was a letter read into the record from John English who was opposed to the petition. He also believed that the petitioner was running a business out of his home.

Mr. Rea stated he was not running any kind of a business from his home.

Ms. Ferdon said there would be 2 separate variances. The first would be allowing an accessory building in the front yard. And the second would be to allow the total lot coverage of accessory structures to exceed, by 73 square feet, 65% of the ground floor area of the primary structure on the property

Dave Bonnell made a motion to allow an accessory building in the front yard seconded by Tom Wetherald, based on the findings of fact per the Planning Department. The motion passed 4-0.

Ms. Ferdon said the second part would be to allowing the size of the garage to be over the 65% of the primary structure.

Lou Marr made a motion to deny **C/DS-08-18**, Mary Ferdon seconded the motion. The vote was 2-2.

Ms. Ferdon asked Alan Whitted for guidance since they were missing a member.

Mr. Whitted said if there is not another motion it would automatically be continued until the next meeting in October.

Dave Bonnell made a motion to approve **C/DS-08-18**, Tom Weatherald seconded the motion stating that the 65% rule is inappropriate in the AG zoning district. The vote was 2-2.

The petition was continued until the next meeting in October.

C/CU-08-06 Columbus Fit

Columbus Fit is a request for a conditional use approval for a softball practice field in a CN (Neighborhood Business) zoning district, as provided by Zoning Ordinance Section 3.17(B). The property is located at 3475 Trestle Drive (approximately 260 feet south of Rock Ford Road on the east side of Trestle Drive) in the City of Columbus.

Ms. Ferdon read a letter to continue **C/CU-08-06** until the October meeting submitted by Jeff Crump.

Tom Wetherald made a motion to continue **C/CU-08-06**, seconded by Lou Marr.

The motion passed unanimously.

C/DS-08-13: Marla and Glenn Kemp

Marla and Glenn Kemp are requesting a development standards variance from Zoning Ordinance Section 3.11 (C) to encroach approximately 15 feet into the required 25 foot front setback. The property is located at 2004 Lafayette Avenue in the City of Columbus.

Glenn Kemp and Attorney Joyce Thayer-Sword stated their names and addresses for the record.

Laura Thayer read the background and there was a visual presentation.

The meeting was opened to the public.

Andrew Bryson, 1952 Lafayette Ave., stated he was in favor of the petition.

The meeting was closed to the public.

Lou Marr made a motion to approve **C/DS-08-13** finding this is an older area with small lots and this would help to preserve this area, additionally finding that having a garage would be safer for the area due to possible vandalism and would be more of an asset to the area, and finally there is fewer difficulties with the use of the property with the garage. Tom Wetherald seconded the motion and it carried by a vote of 3-1.

C/DS-08-14: Little Caesars

Little Caesars is a request for a development standards variance from Zoning Ordinance Section 7.1 (Part 2)(D)(Table 7.5) to have a 5 stacking spaces, 5 fewer than required for a restaurant drive-up window. The property is located at 1021 25th Street in the City of Columbus.

Tom Wetherald asked to be excused from this case.

There was a letter submitted asking for a continuance until next month.

Dave Bonnell made a motion to accept continuance seconded by Lou Marr

Motion was continued unanimously.

C/DS-08-15 McDonald's Restaurants USA LLC

**Columbus Board of Zoning Appeals
Minutes of September 23, 2008**

McDonald's Restaurants for a development standards variance to allow 2 access drives with distances of 145 feet, 98 feet, and 75 feet from adjacent drives, less than the 200 foot separation required between drives by Zoning Ordinance Section 7.3 (C) (3)(a)(1). The property is located 2205 Jonathan Moore Pike (state Road 46) in the City of Columbus.

Emilie Pannell read the background and pictures of the property were presented.

Petitioners Hank Helms, Eric Bushard stated their names and addresses for the record and presented their case and a visual presentation was made.

Mr. Helms stated that they were proposing the existing driveways to the property to remain as is with a less than 200 foot separation between them and adjacent drives.

Mr. Helms addressed the finding of facts that staff said had not been met.

He believed that there would be no safety hazard with the existing driveways.

The meeting was open to the public.

Ed Stawiki was opposed to the petition.

John Edwanaski with McDonalds Corporation said this is a site that has been there for 33 years with the same entrances and he has never known of any problems with having the building set up like it is now.

The meeting was closed to the public.

Tom Wetherald made a motion to approve **C/DS-08-15** finding the approval will not be injurious to public health and safety, area adjacent to property included in variance will not be affected in substantially adverse manner, strict application of terms of zoning ordinance will not result in practical difficulties by allowing one entrance. Dave Bonnell seconded the motion and it carried by a vote of 3-1.

C/UV-08-02: Griffin Industries

Griffin Industries is a request for a use variance to allow the expansion of an industrial use in the AP (Agriculture Preferred) zoning district. The property is located at 345 Water Street in the City of Columbus.

Petitioners Tom Bigley, Ted Darnell and Doug Spritzky stated their names and addresses into the record.

Laura Thayer read the background and slides of the property were presented.

Mr. Darnell addressed the criteria that had not been met.

**Columbus Board of Zoning Appeals
Minutes of September 23, 2008**

Mr. Spritzky stated the additional building will be used to replace offices damages in the flood. He said it has been a family owned business since 1966. Mr. Spritzky said that they provide a number of services that support agricultural.

The meeting was opened to the public.

No one spoke for or against this request.

The meeting was closed to the public.

Mr. Darnell stated that he was looking for staff's approval before getting the approval from the Department of Natural resources.

Ms. Marr believed it would be better to get the Department of Natural Resources before this board approves it.

Dave Bonnell made a motion to approve **C/UV-08-02** to allow the proposed building to be in excess of the 750 square foot, he agreed with the petitioners that the re-built was a result of the flood, the property is a Agri-business in a Ag related field, and that the office is off sight, which does not present a hardship, and that based on the criteria that they have to meet with the DNR with the construction of the flood plane and building the property up to current codes would meet the comprehensive plan. Tom Wetherald seconded the motion.

Ms. Ferdon asked Mr. Bonnell to explain the hardship in his motion. Mr. Bonnell said that in today's business he believed that the facility being restricted to 700 square feet is a hardship.

Tom Wetherald seconded the motion the vote was 2-2 with Ms. Ferdon and Ms. Marr opposing the motion, therefore the case was automatically continued to next months meeting.

C/DS-08-17: Meek/Bryant/Meek

Meek/Bryant/Meek is a request by Jimmy Meek for a development standards variance from zoning Ordinance Section 3.5(D)(2) and 3.5 (C) to allow the creation a parcel of less than 20 acres and to allow the depth to width ratio of 4:1, exceeding the 3:1 maximum. The property is located on the west side of County Road 300 West approximately 600 feet south of State Road 58 in Wayne Township.

Jimmy Meek, Ronald Bryant, Glenn Meek, petitioners, and Ted Neland with Independent Land Surveyor, stated their names and addresses into the record.

Rae-Leigh Stark read the background and a power point presentation was made.

The petitioners stated their case.

**Columbus Board of Zoning Appeals
Minutes of September 23, 2008**

Ms. Ferdon stated that there would be 2 separate variances. The first variance she said would be for a parent tract remainder to be less than 20 acres and the second would be to allow a depth to width ratio of 4.1, exceeding the 3:1 maximum.

There was a brief discussion on AG zoning and the subdivision issues.

Ms. Stark said that the Plan Commission met August 6, 2008, to review the proposed Minor Subdivision and they voted to continue the request until the October 1, 2008 Plan Commission to allow the applicant an opportunity to address the zoning issues.

Mr. Bryant said that the subdivision would allow each of them to divide the 30.73 acre parcel equally into 3 tracts of land.

The meeting was open to the public.

Cheri Chasteen said she would like to know what they had planned to do with their lots if the variance was approved.

Pam Meek asked what the definition of a 'parent tract' is.

The meeting was closed to the public.

Ms. Ferdon said that she was incline to have this case continued and have Ms. Stark sit down and talk this over with the petitioners to see if there were any administrative ways to deal with this petition.

Lou Marr made a motion to continue **C/DS-08-10** for the applicants to meet with the Planning Department and see if there are other avenues to consider. Tom Wetherald seconded the motion and carried by a vote of 4-0. This case continued until the October 28th meeting.

FINDINGS OF FACT

The following findings of fact were presented to the Board for consideration.

C/DS-08-04: All Phase Electric Supply

Dave Bonnell made a motion to accept the findings of fact, seconded by Lou Marr. The motion carried with a vote of 4-0.

C/DS-08-07: Cottage Lane Commons

Lou Marr made a motion to accept the findings of fact, seconded by Tom Wetherald. The motion carried 4-0.

APPROVAL OF MINUTES

**Columbus Board of Zoning Appeals
Minutes of September 23, 2008**

Upon the motion made by Tom Wetherald and seconded by Lou Marr the minutes of the August 26, 2008 meeting were approved 4-0.

DISUSSION

Alan Whitted briefly discussed the Judges decision for the “Daily’s” that was heard on September 8, 2008 where the judge upheld the staff’s decision. Mr. Whitted also gave them a copy of the decision to the staff.

There being no further business the meeting was adjourned.

Mary Ferdon, Chair

Dave Bonnell, secretary